

Attorney or Party Name, Address, Telephone & FAX Numbers, State Bar Number & Email Address NEXUS BANKRUPTCY Benjamin Heston (297798) 3090 Bristol Street #400 Costa Mesa, CA 92626 Tel: 949.312.1377 Fax: 949.288.2054 ben@nexusbk.com <input type="checkbox"/> Debtor appearing without attorney <input checked="" type="checkbox"/> Attorney for Debtor(s)	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – RIVERSIDE DIVISION	
In re: TODD DIEDRRICH, and ASHLEY ESQUIVEL, Debtor(s).	CASE NUMBER: 6:23-bk-12440-RB CHAPTER 13
	MOTION UNDER LBR 3015-1(n) AND (w) TO MODIFY PLAN OR SUSPEND PLAN PAYMENTS
	[No Hearing Required]

1. The Debtor hereby moves this court to modify the confirmed Chapter 13 Plan or suspend plan payments, as set forth in detail below.
2. The purpose of this motion is to (**check all that apply**):
 - ☒ Cure the delinquency.
 - ☐ Address the expiration of the plan.
 - ☐ Cure the infeasibility of the plan.
 - ☒ Modify the amount of the plan payment, the length of the plan and/or the percentage to be paid to unsecured creditors because of a change in financial circumstances.
3. Terms of original confirmed Chapter 13 plan:
The Order Confirming Plan was entered on **10/4/2023**.
Plan payment amount(s): **\$815** per month for month **1**;
\$4,212 per month for months **2 - 60**.
Length of plan: **60** months.
Percentage paid to Class 5 general unsecured creditors: **100%**.
4. There have been **0** previous modification or suspension orders.
Plan payments have been suspended for **0** months and/or the plan has been extended for **0** months.

5. Current plan terms (**complete this section if the confirmed chapter 13 plan has been subject to a previous modification or suspension order**):

Plan payment amount(s): \$___ per month.

Length of plan: ___ months.

Percentage paid to Class 5 general unsecured creditors: ___%.

6. Proposed modification:

- ☒ Suspend (*indicate number of plan payments*) 2 plan payments.
☐ Extend the term by (*indicate number of months*) ___ month(s).
☐ Reduce the term by (*indicate number of months*) ___ month(s).
☐ Increase the plan payment from \$___ to \$___ from (date) ___ to (date) _____.
☒ Reduce the plan payment from \$4,212 to \$3,785 from (date) 8/2023 to (date) end of plan.

7. Since the Order Confirming Plan or the last modification or suspension order was entered, the debtor's circumstances have changed in the following respect:

Debtor, Todd Diedrich, works as a plumber and his business is located in California. Since he and his family now live in Montana, he's been having to fly back and forth in order to take on work. Over the past few months, work has slowed down and he has not been able to work nearly as much as he used to and has not been able to take on any emergency plumbing jobs. As a result, his income has dropped down to approximately \$1,300 per month, which is 30% of what it had been prior to the slowdown. He has been looking for regular employment in Montana and Colorado but has not yet been hired.

Ashley Esquivel started her job working for the State of Montana in January of 2023. Although she did not have a bachelor's degree which is usually required for her position, her employer put her on a probationary period with the expectation that she would return to school and obtain this degree. Since Ashley is the primary caretaker for their four kids, she did not have time to take classes and she was let go from her job. She has since been receiving unemployment income.

Debtors recently moved in with Ashley's mother in order to cut down on expenses since they do not need to pay for rent or utilities. They have also cut down on all of their other expenses so that they can prioritize their Chapter 13 plan payment. As a result, their expenses have been cut down from \$5,353 to \$3,040 per month.

8. If this motion is granted, the last plan payment due would be payable 60 months after the first plan payment was due.
9. If this motion is granted:

- a. ☐ There will be no change in the percentage paid to Class 5 general unsecured creditors,
OR
b. ☒ The percentage paid to Class 5 general unsecured creditors will change from 100% to 0%.

Date: January 9, 2024

/s/Benjamin Heston
Benjamin Heston
Attorney for Debtor

I declare under penalty of perjury that the following is true and correct.

Date: January 9, 2024

Todd Diedrich
Todd Diedrich
Debtor

Date: January 9, 2024

Ashley Esquivel
Ashley Esquivel
Joint Debtor

Fill in this information to identify your case:

Debtor 1	<u>Todd</u>	<u>Diedrich</u>	
	First Name	Middle Name	Last Name
Debtor 2 (Spouse, if filing)	<u>Ashley</u>	<u>Esquivel</u>	
	First Name	Middle Name	Last Name
United States Bankruptcy Court for the:	<u>Central District of California</u>		
Case number (if known)	<u>6:23-bk-12440-RB</u>		

Check if this is:

- ☒ An amended filing
- ☐ A supplement showing postpetition chapter 13 income as of the following date:

MM / DD / YYYY

Official Form 106I

Schedule I: Your Income

12/15

Be as complete and accurate as possible. If two married people are filing together (Debtor 1 and Debtor 2), both are equally responsible for supplying correct information. If you are married and not filing jointly, and your spouse is living with you, include information about your spouse. If you are separated and your spouse is not filing with you, do not include information about your spouse. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Employment

1. Fill in your employment information.

If you have more than one job, attach a separate page with information about additional employers.

Include part time, seasonal, or self-employed work.

Occupation may include student or homemaker, if it applies.

Employment status

Occupation

Employer's name

Employer's address

Debtor 1

Debtor 2 or non-filing spouse

☐ Employed ☒ Not Employed

☐ Employed ☒ Not Employed

Number Street

Number Street

City State Zip Code

City State Zip Code

How long employed there? _____

Part 2: Give Details About Monthly Income

Estimate monthly income as of the date you file this form. If you have nothing to report for any line, write \$0 in the space. Include your non-filing spouse unless you are separated.

If you or your non-filing spouse have more than one employer, combine the information for all employers for that person on the lines below. If you need more space, attach a separate sheet to this form.

2. **List monthly gross wages, salary, and commissions** (before all payroll deductions.) If not paid monthly, calculate what the monthly wage would be.

2. \$0.00 \$0.00

3. **Estimate and list monthly overtime pay.**

3. + \$0.00 + \$0.00

4. **Calculate gross income.** Add line 2 + line 3.

4. \$0.00 \$0.00

Debtor 1
Debtor 2Todd
Ashley

First Name

Middle Name

Diedrich
Esquivel

Last Name

Case number (if known) 6:23-bk-12440-RB

	For Debtor 1	For Debtor 2 or non-filing spouse
Copy line 4 here.....→	4. \$0.00	\$0.00
5. List all payroll deductions:		
5a. Tax, Medicare, and Social Security deductions	5a. \$0.00	\$0.00
5b. Mandatory contributions for retirement plans	5b. \$0.00	\$0.00
5c. Voluntary contributions for retirement plans	5c. \$0.00	\$0.00
5d. Required repayments of retirement fund loans	5d. \$0.00	\$0.00
5e. Insurance	5e. \$0.00	\$0.00
5f. Domestic support obligations	5f. \$0.00	\$0.00
5g. Union dues	5g. \$0.00	\$0.00
5h. Other deductions. Specify: _____	5h. + \$0.00	+ \$0.00
6. Add the payroll deductions. Add lines 5a + 5b + 5c + 5d + 5e + 5f + 5g + 5h.	6. \$0.00	\$0.00
7. Calculate total monthly take-home pay. Subtract line 6 from line 4.	7. \$0.00	\$0.00
8. List all other income regularly received:		
8a. Net income from rental property and from operating a business, profession, or farm Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income.	8a. \$5,100.00	\$0.00
8b. Interest and dividends	8b. \$0.00	\$0.00
8c. Family support payments that you, a non-filing spouse, or a dependent regularly receive Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement.	8c. \$0.00	\$0.00
8d. Unemployment compensation	8d. \$1,725.00	\$0.00
8e. Social Security	8e. \$0.00	\$0.00
8f. Other government assistance that you regularly receive Include cash assistance and the value (if known) of any non-cash assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies. Specify: _____	8f. \$0.00	\$0.00
8g. Pension or retirement income	8g. \$0.00	\$0.00
8h. Other monthly income. Specify: _____	8h. + \$0.00	+ \$0.00
9. Add all other income. Add lines 8a + 8b + 8c + 8d + 8e + 8f + 8g + 8h.	9. \$6,825.00	\$0.00
10. Calculate monthly income. Add line 7 + line 9. Add the entries in line 10 for Debtor 1 and Debtor 2 or non-filing spouse	10. \$6,825.00	\$0.00
11. State all other regular contributions to the expenses that you list in Schedule J. Include contributions from an unmarried partner, members of your household, your dependents, your roommates, and other friends or relatives. Do not include any amounts already included in lines 2-10 or amounts that are not available to pay expenses listed in Schedule J. Specify: _____	11. + \$0.00	
12. Add the amount in the last column of line 10 to the amount in line 11. The result is the combined monthly income. Write that amount on the Summary of Your Assets and Liabilities and Certain Statistical Information, if it applies	12. \$6,825.00	
Combined monthly income		
13. Do you expect an increase or decrease within the year after you file this form? <input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes. Explain: _____		

Debtor 1	Todd	Diedrich		
Debtor 2	Ashley	Esquivel		
	First Name	Middle Name	Last Name	Case number (if known) <u>6:23-bk-12440-RB</u>

8a. Attached Statement

Business Income

FINANCIAL REVIEW OF THE DEBTOR'S BUSINESS (NOTE: ONLY INCLUDE information directly related to the business operation.)

PART A - ESTIMATED AVERAGE FUTURE GROSS MONTHLY INCOME:

1. Gross Monthly Income:	<u>\$1,300.00</u>
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PART B - ESTIMATED AVERAGE FUTURE MONTHLY EXPENSES:

2. Payments to be Made Directly by Debtor to Secured Creditors for Pre-Petition Business Debts

TOTAL PAYMENTS TO SECURED CREDITORS	<u>\$0.00</u>
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3. Other Expenses

TOTAL OTHER EXPENSES	<u>\$0.00</u>
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4. TOTAL MONTHLY EXPENSES(Add item 2 - 21)

\$0.00

PART C - ESTIMATED AVERAGE NET MONTHLY INCOME:

5. AVERAGE NET MONTHLY INCOME(Subtract item 22 from item 1)	<u>\$1,300.00</u>
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Debtor 1	Todd	Diedrich		
Debtor 2	Ashley	Esquivel		
	First Name	Middle Name	Last Name	Case number (if known) <u>6:23-bk-12440-RB</u>

8a. Attached Statement

Rental Income

1.	Gross Monthly Income:	<u>\$3,800.00</u>
2.	TOTAL EXPENSES	<u>\$0.00</u>
3.	AVERAGE NET MONTHLY INCOME	<u>\$3,800.00</u>

Fill in this information to identify your case:

Debtor 1 Todd Diedrich
First Name Middle Name Last Name

Debtor 2 Ashley Esquivel
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: Central District of California

Case number 6:23-bk-12440-RB
(if known)

Check if this is:

- ☒ An amended filing
- ☐ A supplement showing postpetition chapter 13 expenses as of the following date:

MM / DD / YYYY

Official Form 106J

Schedule J: Your Expenses

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach another sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Your Household

1. Is this a joint case?

- ☐ No. Go to line 2.
- ☒ Yes. Does Debtor 2 live in a separate household?
- ☒ No
- ☐ Yes. Debtor 2 must file Official Form 106J-2, *Expenses for Separate Household of Debtor 2*.

2. Do you have dependents?

Do not list Debtor 1 and Debtor 2.

Do not state the dependents' names.

- ☐ No
- ☒ Yes. Fill out this information for each dependent.....

Dependent's relationship to Debtor 1 or Debtor 2	Dependent's age	Does dependent live with you?
Child	10	<input type="checkbox"/> No. <input checked="" type="checkbox"/> Yes.
Child	15	<input type="checkbox"/> No. <input checked="" type="checkbox"/> Yes.
Child	12	<input type="checkbox"/> No. <input checked="" type="checkbox"/> Yes.
Child	11	<input type="checkbox"/> No. <input checked="" type="checkbox"/> Yes.
		<input type="checkbox"/> No. <input type="checkbox"/> Yes.

3. Do your expenses include expenses of people other than yourself and your dependents?

- ☒ No
- ☐ Yes

Part 2: Estimate Your Ongoing Monthly Expenses

Estimate your expenses as of your bankruptcy filing date unless you are using this form as a supplement in a Chapter 13 case to report expenses as of a date after the bankruptcy is filed. If this is a supplemental *Schedule J*, check the box at the top of the form and fill in the applicable date.

Include expenses paid for with non-cash government assistance if you know the value of such assistance and have included it on *Schedule I: Your Income* (Official Form 106I.)

Your expenses

4. The rental or home ownership expenses for your residence. Include first mortgage payments and any rent for the ground or lot.

4. \$0.00

If not included in line 4:

4a. Real estate taxes	4a. \$0.00
4b. Property, homeowner's, or renter's insurance	4b. \$0.00
4c. Home maintenance, repair, and upkeep expenses	4c. \$150.00
4d. Homeowner's association or condominium dues	4d. \$0.00

Debtor 1 **Todd** **Diedrich**
Debtor 2 **Ashley** **Esquivel**
First Name Middle Name Last Name

Case number (if known) 6:23-bk-12440-RB

		Your expenses
5.	Additional mortgage payments for your residence , such as home equity loans	5. <u>\$0.00</u>
6.	Utilities:	
6a.	Electricity, heat, natural gas	6a. <u>\$0.00</u>
6b.	Water, sewer, garbage collection	6b. <u>\$0.00</u>
6c.	Telephone, cell phone, Internet, satellite, and cable services	6c. <u>\$300.00</u>
6d.	Other. Specify: _____	6d. <u>\$0.00</u>
7.	Food and housekeeping supplies	7. <u>\$1,100.00</u>
8.	Childcare and children's education costs	8. <u>\$0.00</u>
9.	Clothing, laundry, and dry cleaning	9. <u>\$150.00</u>
10.	Personal care products and services	10. <u>\$150.00</u>
11.	Medical and dental expenses	11. <u>\$225.00</u>
12.	Transportation. Include gas, maintenance, bus or train fare. Do not include car payments.	12. <u>\$450.00</u>
13.	Entertainment, clubs, recreation, newspapers, magazines, and books	13. <u>\$0.00</u>
14.	Charitable contributions and religious donations	14. <u>\$0.00</u>
15.	Insurance. Do not include insurance deducted from your pay or included in lines 4 or 20.	
15a.	Life insurance	15a. <u>\$0.00</u>
15b.	Health insurance	15b. <u>\$0.00</u>
15c.	Vehicle insurance	15c. <u>\$65.00</u>
15d.	Other insurance. Specify: _____	15d. <u>\$0.00</u>
16.	Taxes. Do not include taxes deducted from your pay or included in lines 4 or 20. Specify: _____	16. <u>\$0.00</u>
17.	Installment or lease payments:	
17a.	Car payments for Vehicle 1 <u>2015 Ford F150 Supercrew Cab XLT</u>	17a. <u>\$0.00</u>
17b.	Car payments for Vehicle 2	17b. <u>\$0.00</u>
17c.	Other. Specify: _____	17c. <u>\$0.00</u>
17d.	Other. Specify: _____	17d. <u>\$0.00</u>
18.	Your payments of alimony, maintenance, and support that you did not report as deducted from your pay on line 5, Schedule I, Your Income (Official Form 106I).	18. <u>\$0.00</u>
19.	Other payments you make to support others who do not live with you. Specify: _____	19. <u>\$0.00</u>
20.	Other real property expenses not included in lines 4 or 5 of this form or on Schedule I: Your Income.	
20a.	Mortgages on other property	20a. <u>\$0.00</u>
20b.	Real estate taxes	20b. <u>\$0.00</u>
20c.	Property, homeowner's, or renter's insurance	20c. <u>\$0.00</u>
20d.	Maintenance, repair, and upkeep expenses	20d. <u>\$0.00</u>
20e.	Homeowner's association or condominium dues	20e. <u>\$0.00</u>

Debtor 1
Debtor 2

Todd
Ashley

First Name

Middle Name

Diedrich
Esquivel

Last Name

Case number (if known) 6:23-bk-12440-RB

21. **Other.** Specify: Saving for move

21. **+** \$450.00

22. Calculate your monthly expenses.

22a. Add lines 4 through 21.

22a. \$3,040.00

22b. Copy line 22 (monthly expenses for Debtor 2), if any, from Official Form 106J-2

22b. \$0.00

22c. Add line 22a and 22b. The result is your monthly expenses.

22c. \$3,040.00

23. Calculate your monthly net income.

23a. Copy line 12 (your combined monthly income) from *Schedule I*.

23a. \$6,825.00

23b. Copy your monthly expenses from line 22c above.

23b. -\$3,040.00

23c. Subtract your monthly expenses from your monthly income.

23c. \$3,785.00

The result is your *monthly net income*.

24. Do you expect an increase or decrease in your expenses within the year after you file this form?

For example, do you expect to finish paying for your car loan within the year or do you expect your mortgage payment to increase or decrease because of a modification to the terms of your mortgage?

☒ No.

☐ Yes.

None